

\*\*E-filed 9/8/06\*\*

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

CHAD RHODES,

Petitioner,

v.

ROBERT KIRKLAND,

Respondent.

Case Number C-06-5252-JF

ORDER TO SHOW CAUSE

Petitioner, a state prisoner currently incarcerated at the Pelican Bay State Prison, has filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner is represented by counsel.

IT IS ORDERED as follows:

(1) The Clerk of the Court shall serve by certified mail a copy of the petition and a copy of this Order upon counsel for Respondent, the Attorney General of the State of California. The Clerk of the Court also shall serve a copy of this Order upon counsel for Petitioner, Juliana Drouss.

(2) Respondent shall, within thirty (30) days after receiving this order, file and serve upon Petitioner's counsel an answer conforming in all respects to Rule 5 of the Rules Governing

1 Section 2254 Cases, showing cause why a writ of habeas corpus should not issue. At the time  
2 the answer is filed, Respondent shall lodge with the Court all records relevant to a determination  
3 of the issues presented by the petition. If Respondent contends that Petitioner has failed to  
4 exhaust state remedies as to any ground for relief asserted in the petition, Respondent shall  
5 specify what state remedy remains available to Petitioner. If Respondent waives or concedes the  
6 issue of exhaustion, Respondent shall so state in the answer.

7 (3) Petitioner may file a traverse responding to matters raised in the answer within  
8 thirty (30) days after receiving the answer.

9 (4) Unless otherwise ordered by the Court, the matter will be deemed submitted upon  
10 the filing of the traverse or upon the expiration of time to file a traverse.

11  
12  
13  
14 DATED: 9/8/06

15   
16 JEREMY FOGEL  
17 United States District Judge

1 Copies of Order mailed on \_\_\_\_\_ to:

2  
3 Counsel for Petitioner:  
4 Juliana Drouss  
214 Duboce Ave.  
5 San Francisco, CA 94103  
6

7 Counsel for Respondent:

8 Office of the Attorney General of the State of California  
455 Golden Gate Avenue  
9 Suite 11000  
10 San Francisco, CA 94102-3664  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28